


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 00-6293-CR-HUCK

**NIGHT BOX  
FILED**

 **APR 21 2004**

**CLARENCE MADDOX  
CLERK, USDC / SDFL / MIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ALCE,

Defendant.

---

**UNOPPOSED**  
**MOTION TO CONTINUE FINAL REVOCATION HEARING**

The defendant, through the undersigned counsel, pursuant to Federal Rule of Criminal Procedure 12, section (b)(2), and pursuant to Local Rule of the United States District Court for the Southern District of Florida 88.9, 7.1., section A.1.(g), and 7.6 requests the issuance of an order continuing the Final Revocation Hearing date. The grounds for this motion are:

1. The defendant began serving three years of Supervised Release on June 26, 2003.
2. On October 23, 2003, a Petition For Summons was requested by United States Probation Officer Torres. This petition alleged four violations of standard conditions of Supervised Release. The violations stem from an arrest of Mr. Alce for possession of cocaine.
3. On December 17, 2003, Mr. Alce appeared in court and was released on a stipulated \$10,000.00 personal surety bond.

244  
rx

4. This matter is presently scheduled for a Final Revocation Hearing on April 28,2004.
5. The underlying State case is presently set for the two-week period of May 24, 2004 and May 30, 2004.
6. The undersigned counsel has contacted Assistant United States Attorney Lynn Rosenthal and United States Probation Officer Albert Torres and informed them of this motion.
7. Both Ms. Rosenthal and Mr. Torres stated that they had no objection to this motion.
8. Undersigned counsel hereby certifies that this motion is done in good faith, for the purpose stated herein and not for the purpose of delay.

WHEREFORE, the defendant, through undersigned counsel, moves this court for the entry of an order continuing the hearing date.

Respectfully submitted,

KATHLEEN M. WILLIAMS  
FEDERAL PUBLIC DEFENDER

By: 

Michael Spivack  
Assistant Federal Public Defender  
Florida Bar No. 0508969  
150 West Flagler Street  
Suite 1700  
Miami, Florida 33130  
Telephone: (305) 530-7000  
Facsimile : (305) 536-4559

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has mailed to  
Lynn Rosenthal, Esq., Assistant United States Attorney, 500 East Broward Boulevard, Suite 700,  
Fort Lauderdale, Florida, 33394, and to Albert Torres, United States Probation Officer, 6100  
Hollywood Boulevard, Suite 501, Hollywood, Florida 33024 this 21st day of April, 2004.

By: 

Michael Spivack

**FAXBACK SERVICE LIST**

Michael Spivaack, Esq.  
Assistant Federal Public Defender  
150 West Flagler Street  
Suite 1700  
Miami, Florida 33130  
Tel: (305)530-7000  
Fax:(305)536-4559  
Counsel for James Alce

Lynn Rosenthal, Esq.  
500 East Broward Boulevard  
Suite 700  
Fort Lauderdale, Florida, 33394  
Tel: (954)660-5690  
Fax: (954)356-7336  
Counsel for the Government

Albert Torres  
United States Probation Officer  
6100 Hollywood Boulevard  
Suite 501  
Hollywood, Florida 33024  
Tel: (954)769-5514  
Fax: (954)769-5596

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 00-6293-CR-HUCK

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAMES ALCE,

Defendant.

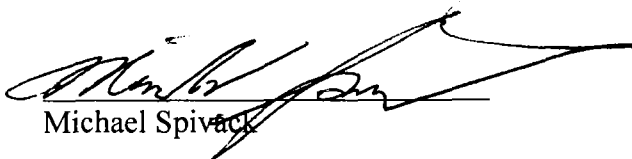
# AFFIDAVIT

**STATE OF FLORIDA                 )**  
**COUNTY OF MIAMI-DADE)                 SS**

Before me this day personally appeared Michael Spivack who first duly sworn deposes and states:

1. The defendant began serving three years of Supervised Release on June 26, 2003.
2. On October 23, 2003, a Petition For Summons was requested by United States Probation Officer Torres. This petition alleged four violations of standard conditions of Supervised Release. The violations stem from an arrest of Mr. Alce for possession of cocaine.
3. On December 17, 2003, Mr. Alce appeared in court and was released on a stipulated \$10,000.00 personal surety bond.
4. This matter is presently scheduled for a Final Revocation Hearing on April 28, 2004.

5. The underlying State case is presently set for the two-week period of May 24, 2004 and May 30, 2004.
6. The undersigned counsel has contacted Assistant United States Attorney Lynn Rosenthal and United States Probation Officer Albert Torres and informed them of this motion.
7. Both Ms. Rosenthal and Mr. Torres stated that they had no objection to this motion.
8. Undersigned counsel hereby certifies that this motion is done in good faith, for the purpose stated herein and not for the purpose of delay.

  
Michael Spivack

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2004 by

  
Michael Spivack.

Personally known ( x )

Produced identification ( ) \_\_\_\_\_

My commission expires:

\_\_\_\_\_  
Notary Public  
State of Florida

